

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT HAMMOND

WE-1

IN RE:)
KERRY A. CRUTCHFIELD)
BRETT W. CRUTCHFIELD)
)
)
Debtors) BANKRUPTCY NO. 10-24510

ORDER DISMISSING CHAPTER 13 PETITION

This Chapter 13 case came on for final hearing on April 18, 2013 on a Motion to Dismiss filed by Trustee (hereinafter: "Movant").

Trustee appears by counsel.

Debtors fail to appear.

Submitted. Evidence and arguments heard.

Trustee files a Declaration showing that pursuant to the Trustee's books and records kept in the ordinary course of his office, that the Plan payment arrearages of the Debtors to Trustee is in the sum of \$7,760.00 as of March 27, 2013.

And the Court having examined the record, and said Declaration, and being duly advised in the premises, now finds that there has been a material default by the Debtors as to the terms of the Plan, a failure by the Debtors to commence making timely payments, and that there has been an unreasonable delay by the Debtors that is prejudicial to creditors. It is therefore,

ORDERED, that said Motion is hereby granted and that the Petition of the Debtors should be and is hereby dismissed pursuant to 11 U.S.C. §1307. And it is further,

ORDERED:

1. That if the Plan of the Debtors is not confirmed, the Trustee, and all parties in interest are hereby allowed leave of Court of twenty (20) days from the date of this Order to apply to this Court, pursuant to §503(b), for any actual and necessary expenses of administration pursuant to §1326(a)(2). If the Plan of the Debtors has been confirmed the Trustee shall distribute any payment by Debtors in accordance with the Plan pursuant to §1326(a)(2).

2. That the Trustee is directed to file his final report and final account pursuant to Fed. R. Bk. P. 5009(a). Upon receipt of the final report and after (a) the expiration of the 30-day objection to final report deadline or (b) the entry of an order resolving any timely objection to the final report, whichever is longer, the trustee will be discharged and relieved of his trust and the surety on the trustee's bond will be released from further liability thereunder in this estate, except any liability which may have accrued during the time the bond was in effect as to this estate, without further notice, hearing, or order.
3. That if there is an income deduction order pending, the employer is hereby ordered to terminate deductions.
4. That the case shall be terminated and closed after completion of the foregoing.

Dated: April 18, 2013

WLT

JUDGE, U.S. BANKRUPTCY COURT

Distribution

Debtors, Attorney for Debtors
U.S. Trustee, Trustee
All Creditors